

the number of those individuals in all such States, as so determined; and

(i) from the amount allotted under paragraph (1)(B)—

(I) first reserve, for each State, an amount equal to the sum of the qualifying contributions made in the State in the previous year attributable to eligible workforce training organizations; and

(II) next, allocate the remaining amount among the participating States by allocating to each State an amount determined through a system, as established and maintained by the Secretary of Labor, that accurately reflects demand and potential qualified participants for apprenticeships and workforce training within that State.

(B) MINIMUM ALLOCATION.—Notwithstanding subparagraph (A), no State receiving an allotment under this section may receive less than one-half of one percent of the amount allotted for a fiscal year.

(C) ALTERNATIVE ALLOCATION FOR QUALIFIED CONTRIBUTIONS TO ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS.—

(i) IN GENERAL.—Not later than the end of the fifth year of the program or one year after the end of the first fiscal year for which the total amount of credits claimed under section 25E and section 45U of the Internal Revenue Code of 1986 for qualified contributions to eligible scholarship-granting organizations is \$2,500,000,000 or more, whichever comes first, the Secretary of Education shall, by regulation, provide for an alternative allocation method for the amount described in paragraph (1)(A) that shall take effect beginning with the first fiscal year after the regulation takes effect.

(ii) ALTERNATIVE ALLOCATION METHOD.—The alternative allocation method described in clause (i) shall be expressed as a formula based on a combination of the following data for each State, as reported by the State to the Secretary of Education:

(I) The relative percentage of students in the State who receive a elementary or secondary scholarship through a State program that is financed through State tax-credited donations or appropriations and that permits the elementary or secondary scholarship to be used to attend a private school.

(II) The total amount of all elementary and secondary scholarships awarded through a State program that is financed through State tax-credited donations or appropriations compared to the total amount of current State and local expenditures for free public education in the State.

(iii) ALLOCATION FORMULA.—For any fiscal year to which clause (i) applies, the Secretary of Education shall—

(I) first reserve, for each State, an amount equal to the sum of the qualifying contributions made in the State in the previous year;

(II) next, allocate two-thirds of the remaining amount of the national cap for that year using the alternative allocation method in clause (ii); and

(III) then, allocate one-third of the remaining amount in accordance with subparagraph (A)(ii).

(iv) INELIGIBILITY.—For any fiscal year to which clause (i) applies, a State that does not provide the Secretary of Education with information described in clause (ii) is not eligible to receive an allocation through the alternative allocation method under clause (ii).

(3) ALLOWABLE PARTNERSHIPS.—A State may choose to administer the allocation it receives under paragraph (2) in partnership with one or more States, provided that the eligible scholarship-granting organizations or eligible workforce training organizations in each partner State serve students who reside in all States in the partnership.

(4) TOTAL ALLOCATION.—A State's allocation, for any fiscal year, is the sum of the amount determined for it under subparagraphs (A) and (B) of paragraph (2), except as provided in paragraph (2)(C).

(5) ALLOCATION AND ADJUSTMENTS.—

(A) INITIAL ALLOCATION TO STATES.—No later than November 1 of the year preceding a year for which there is a national cap on credits under paragraph (1) (hereafter in this section, the "applicable year"), or as early as practicable with respect to the first year, the Secretary of Education shall announce the State allocations under paragraph (2) for the applicable year.

(B) LIST OF ELIGIBLE SCHOLARSHIP-GRANTING ORGANIZATIONS AND ELIGIBLE WORKFORCE TRAINING ORGANIZATIONS.—No later than January 1 of each applicable year, or as early as practicable with respect to the first year, each State shall provide the Secretary of Education a list of eligible scholarship-granting organizations and eligible workforce training organizations described in paragraphs (3)(A) and (4) of section 25E(c) of the Internal Revenue Code of 1986, including a certification that the entity submitting the list on behalf of the State has the authority to perform this function. Neither this title nor any other Federal law shall be construed as limiting the entities that may submit the list on behalf of a state.

(C) REALLOCATION.—

(i) IN GENERAL.—The Secretary of Education shall, in accordance with paragraph (2), reallocate to any other States the allocation of a State which, for any applicable year—

(I) fails to provide the Secretary of Education a list of eligible scholarship-granting organizations and eligible workforce training organizations pursuant to subparagraph (B); and

(II) does not have an eligible scholarship-granting organization (as described in section 25E(c)(3)(B) of the Internal Revenue Code of 1986) located in such State.

(ii) UNCLAIMED CREDITS.—On or after April 1 of any applicable year, the Secretary of Education may reallocate, to one or more other States that have eligible scholarship-granting organizations and eligible workforce training organizations in the States, without regard to paragraph (2), the allocation of a State for which the State's allocation has not been claimed.

(d) DEFINITIONS.—The definitions of terms in section 25E(c) of the Internal Revenue Code of 1986 apply to those terms as used in this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of administering this section and sections 25E and 45U of the Internal Revenue Code of 1986, there are authorized to be appropriated, and there are appropriated, such sums as may be necessary for fiscal year 2021 and each succeeding fiscal year.

SA 1864. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1022, beginning on line 19, strike "approved" and all that follows through line 22 and insert the following: "that the Sec-

retary determines will have an important effect on the foreign relations of the United States and were approved for negotiation by the Secretary in writing during the prior month."

SA 1865. Mr. MURPHY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1022, strike line 18 and all that follows through page 1023, line 2.

On page 1023, line 3, strike "(B)" and insert "(A)".

On page 1023, line 21, strike "(C)" and insert "(B)".

Beginning on page 1024, strike line 19 and all that follows through page 1026, line 11.

On page 1025, line 4, strike "(4)" and insert "(3)".

On page 1026, beginning on line 16, strike "subparagraphs" and all that follows through line 17 and insert the following: "subparagraph (A)(iii) and clauses (iii) and (iv) of subparagraph (B) of subsection (a)(1)".

On page 1027, beginning on line 2, strike "subparagraphs" and all that follows through line 4 and insert the following: "subparagraph (A)(iii) and clauses (iii) and (iv) of subparagraph (B) of subsection (a)(1) shall not be subject to the requirement".

SA 1866. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

SECTION 2528. ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) SHORT TITLE.—This section may be cited as the "National Security Innovation Pathways Act of 2021".

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Armed Services of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) NATIONAL SECURITY INNOVATION BASE.—The term "National Security Innovation Base" means the network of persons and organizations, including Federal agencies, institutions of higher education, federally